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OFFICE OF PETITIONS

In re Application of  
David Hoerl  
Application No. 10/799,349  
Filed: March 12, 2004  
Attorney Docket No. 644-053

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.10(c), filed April 25, 2006 (Certificate of Mailing date: April 19, 2006), requesting that the above-identified application be accorded a filing date of March 12, 2004, rather than the presently accorded filing date of March 13, 2004.

Petitioners allege that the application was deposited in Express Mail service on March 12, 2004. In support, the petition is accompanied by a copy of the "USPS Track & Confirm Results" for Express Mail label no. ET547828495US (the same Express Mail number found on the original application papers located in the official file) showing the item was placed in USPS Express Mail service on March 12, 2004.

In view of the above, the petition is **GRANTED**.

Accordingly, the application is entitled to a filing date of March 12, 2004.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of March 12, 2004 and issuance of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions/Patent  
Office of the Deputy Commissioner  
for Patent Examination Policy